

SCOTTSDALE

CITY COUNCIL MEETING

NOTICE AND AGENDA



COUNCIL

Mary Manross, Mayor

Betty Drake

Wayne Ecton

W.J. "Jim" Lane

Robert W. Littlefield

Ron McCullagh

Kevin J. Osterman

Tuesday, November 15, 2005

3:00 P.M.

City Council Special Meeting

Call to Order – City Hall Kiva Forum, 3939 N. Drinkwater Boulevard

Roll Call

1. REQUEST FOR EXECUTIVE SESSION TO:

- A. Discuss and consult with the attorneys and representatives of the public body for legal advice and to consider its position and instruct its attorneys regarding pending claims filed by Mark and Denise Morrison, Mathew Lewis and Nicholas Rosin arising out of an automobile accident that occurred on April 7, 2005, and the contemplated litigation, potential settlement possibilities and other matters related to said claims. Contact: Deborah Robberson, Acting City Attorney, 480-312-2405 drobberson@scottsdaleaz.gov; Sherry R. Scott, Senior Assistant City Attorney, 480-312-2405, sscott@scottsdaleaz.gov
- B. Discuss and consult with the City's attorneys and representatives concerning possible acquisition of real property in the vicinity of WestWorld. Contact Person: Deborah Robberson, Acting City Attorney, 480-312-2405, drobberson@scottsdaleaz.gov
- C. Discuss and consult with City's attorneys and representatives concerning possible purchase, sale or lease of real property related to the Barrett-Jackson Auto Auction. Contact Person: Deborah Robberson, Acting City Attorney, 480-312-2405, drobberson@scottsdaleaz.gov

2. MOTION TO RECESS INTO EXECUTIVE SESSION

- A. Discuss and consult with attorneys and representatives of the public body for legal advice and to consider its position and instruct its attorneys regarding pending claims filed by Mark and Denise Morrison, Mathew Lewis and Nicholas Rosin arising out of an automobile accident that occurred on April 7, 2005, and the contemplated litigation, potential settlement possibilities and other matters relating to said claims. A.R.S. § 38-431.03(A)(3-4).
- B. Discuss and consult with representatives of the public body and discuss and consult with the City's attorney(s) for legal advice and to consider its position and give instruction regarding negotiations for possible agreements and real estate transactions for the acquisition of real property in the vicinity of WestWorld. A.R.S. 38-431.03(a)(3), (a)(4) and (a)(7).
- C. Discuss and consult with representatives of the public body and discuss and consult with the City's attorney(s) for legal advice and to consider its position and give instruction regarding negotiations for the purchase, sale or lease of real property related to the Barrett-Jackson Auto Auction. A.R.S. 38-431.03(a)(3), (a)(4) and (a)(7).

Adjourn Special Meeting

5:00 P.M.

CITY COUNCIL MEETING

Call to Order – City Hall Kiva Forum, 3939 N. Drinkwater Boulevard

Roll Call

Pledge of Allegiance

Invocation

Presentations/Information Updates

Andy Clarke, Executive Director of the League of American Bicyclists

Appointment

Consider appointment of Associate City Judge

Boards, Commissions, and Task Force Nominations (Note: Interviews and Appointments Scheduled for December 12, 2005)

How the Board and Commission Nomination Process Works: The Council will review applications submitted for the board and commission openings under consideration. From this applicant pool, the Council will select several nominees for further consideration. While welcome to attend, applicants will be contacted if nominated and do not need to be present at the meeting to be considered for nomination.

Airport Advisory Commission (1)

Historic Preservation Commission (1)

Parks and Recreation Commission (2)

Scottsdale Pride Committee (1)

Tourism Development Commission (1 Industry Commissioner, 1 Hotelier Commissioner)

Public Comment

Citizens may complete one speaker/citizen comment card per night and submit it to the City Clerk before or during this evening's meeting. Please check the box that refers to "Public Comment." This "Public Comment" time is reserved for citizen comments regarding non-agendized items. No official Council action can be taken on these items.

Approval of Minutes

SPECIAL MEETINGS

[October 18, 2005](#)

REGULAR MEETINGS

[October 18, 2005](#)

[October 24, 2005](#)

[October 25, 2005](#)

WORK STUDY SESSIONS

EXECUTIVE SESSIONS

How the Consent Agenda Works: The Council may take one vote to act on all items on the Consent Agenda, or may remove items for further discussion. Every interested citizen will have one opportunity to speak on any or all Consent Agenda items. If you wish to speak on these items, please complete a Comment Card for each topic you wish to address. **You will be given at least three minutes to speak on all the Consent Agenda items you wish to address. Additional time for multiple agenda items will be at the Mayor's discretion.**

After all speakers have finished, the City Council will decide which items to remove for additional discussion and/or presentation from staff. Items not removed from the Consent Agenda will be considered in one motion. Items removed for clarification or discussion by the Council will be acted on as appropriate.

1. **[Agent Change for Ra Sushi \(Restaurant\) Liquor License](#)**

Request: Consider forwarding a favorable recommendation to the Arizona Department of Liquor Licenses and Control for an agent change for a series 12 (restaurant) liquor license.

Location: 3815 N. Scottsdale Road

Reference: 101-LL-2002#2

Staff Contact(s): Frank Gray, Planning and Development Services General Manager, 480-312-2890, fgray@scottsdaleaz.gov; Connie Padian, Customer Service Chief Officer, 480-312-2664, cpadian@scottsdaleaz.gov

2. **[Jamaican Blue \(Beer and Wine Bar\) Liquor License](#)**

Request: Consider forwarding a favorable recommendation to the Arizona Department of Liquor Licenses and Control for a person transfer of a series 7 (beer and wine bar) liquor license.

Location: 4017 N. Scottsdale Road

Reference: 55-LL-2005

Staff Contact(s): Frank Gray, Planning and Development Services General Manager, 480-312-2890, fgray@scottsdaleaz.gov; Connie Padian, Customer Service Chief Officer, 480-312-2664, cpadian@scottsdaleaz.gov

3. **[Jamaican Blue Conditional Use Permit](#)**

Request: Consider renewal of the current conditional use permit and modify the existing stipulations for a beer and wine bar in a suite of the existing building located at 4017 N. Scottsdale Road with Downtown, Retail Specialty Type 1 District, Downtown Overlay (D/RS-1 DO) zoning.

Location: 4017 N. Scottsdale Road, Ste. 104

Reference: 5-UP-2004#2

Staff Contact(s): Frank Gray, Planning and Development Services General Manager, 480-312-2890, fgray@scottsdaleaz.gov; Randy Grant, Chief Planning Officer, 480-312-7995, rgrant@scottsdaleaz.gov

4. **[WineStyles \(Beer and Wine Bar\) Liquor License](#)**

Request: Consider forwarding a favorable recommendation to the Arizona Department of Liquor Licenses and Control for a person and location transfer of a series 7 (beer and wine bar) liquor license.

Location: 14148 N. 100th Street, Suite C-2

Reference: 59-LL-2005

Staff Contact(s): Frank Gray, Planning and Development Services General Manager, 480-312-2890, fgray@scottsdaleaz.gov; Connie Padian, Customer Service Chief Officer, 480-312-2664, cpadian@scottsdaleaz.gov

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5. **Dragonfly Café (Restaurant) Liquor License**

Request: Consider forwarding a favorable recommendation to the Arizona Department of Liquor Licenses and Control for a series 12 (restaurant) liquor license.

Location: 10135 E. Via Linda

Reference: 62-LL-2005

Staff Contact(s): Frank Gray, Planning and Development Services General Manager, 480-312-2890, fgray@scottsdaleaz.gov; Connie Padian, Customer Service Chief Officer, 480-312-2664, cpadian@scottsdaleaz.gov

6. **Baguette's Bistro (Beer and Wine Bar) Liquor License**

Request: Consider forwarding a favorable recommendation to the Arizona Department of Liquor Licenses and Control for a person transfer of a series 7 (beer and wine bar) liquor license.

Location: 14362 N. Frank Lloyd Wright Boulevard, Ste. B-104

Reference: 63-LL-2005

Staff Contact(s): Frank Gray, Planning and Development Services General Manager, 480-312-2890, fgray@scottsdaleaz.gov; Connie Padian, Customer Service Chief Officer, 480-312-2664, cpadian@scottsdaleaz.gov

7. **Saigon Nites Vietnamese Restaurant (Restaurant) Liquor License**

Request: Consider forwarding a favorable recommendation to the Arizona Department of Liquor Licenses and Control for a series 12 (restaurant) liquor license for an existing location.

Location: 15111 N. Hayden Road, #110

Reference: 65-LL-2005

Staff Contact(s): Frank Gray, Planning and Development Services General Manager, 480-312-2890, fgray@scottsdaleaz.gov; Connie Padian, Customer Service Chief Officer, 480-312-2664, cpadian@scottsdaleaz.gov

8. **Hotel Valley Ho (Hotel/Motel with Restaurant) Liquor License**

Request: Consider forwarding a favorable recommendation to the Arizona Department of Liquor Licenses and Control for a series 11 (hotel/motel w/restaurant) liquor license.

Location: 6850 E. Main Street

Reference: 67-LL-2005

Staff Contact(s): Frank Gray, Planning and Development Services General Manager, 480-312-2890, fgray@scottsdaleaz.gov; Connie Padian, Customer Service Chief Officer, 480-312-2664, cpadian@scottsdaleaz.gov

9. **Reimbursement for Costs Related to the Cave Creek Complex Fire**

Request: Approve an \$110,000 General Fund operating contingency transfer to pay for the one percent (1%) of the City's cost share of fighting the Cave Creek Complex Fire.

Staff Contact(s): William L. McDonald, Fire Chief, 480-312-1802, wmcdonald@scottsdaleaz.gov; Craig Clifford, Chief Financial Officer, 480-312-2364, cclifford@scottsdaleaz.gov

CONSENT AGENDA

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10. [Fire Department Transition Cost Reconciliation](#)

Requests:

1. Approve a \$400,000 capital contingency budget transfer to the Fire Capital Transition Budget (Project E0502 - Fire Transition Costs) to finalize the transition costs and to enable the closeout of the project.
2. Approve a \$121,645 capital contingency budget transfer to the Fire Communications Project Budget (Project E0506 – Fire Service Communications) to finalize the transition costs and to enable closeout of the project.

Staff Contact(s): Willie McDonald, Fire Chief, 480-312-1880, wmcdonald@scottsdaleaz.gov;

11. [Authorization of an offer of Judgment in the Lemke v. City of Scottsdale lawsuit](#)

Request: Adopt Resolution No. 6786 authorizing the City to extend an Offer of Judgment to the Plaintiffs a lawsuit entitled *Lemke v. City of Scottsdale, et al.*, Maricopa County Superior Court, Case No. CV2003-014321, in the amount of \$300,000.

Staff Contact(s): Deborah Robberson, Acting City Attorney, 480-312-2405, dobberson@scottsdaleaz.gov; Michael Mason, Claims Manager, Risk Management Division, 480-312-7040, mmason@scottsdaleaz.gov

12. [Authorize Settlement in Cox Communications, Inc. v. City of Scottsdale lawsuit](#)

Request: Adopt Resolution No. 6785 authorizing settlement in the amount of \$122,500 to resolve a lawsuit entitled *Cox Communications v. City of Scottsdale, et al.*, Cause No. CV2004-019716, currently pending in Maricopa County Superior Court.

Staff Contact(s): Deborah Robberson, Acting City Attorney, 480-312-2405, dobberson@scottsdaleaz.gov; Michael Mason, Claims Manager, Risk Management Division, 480-312-7040, mmason@scottsdaleaz.gov

13. [Concessionaire License Agreement for Computer Printing and Photocopying Services at the Scottsdale Public Libraries](#)

Request: Adopt Resolution No. 6770 authorizing Concessionaire License Agreement No. 2005-166-COS with EnvisionWare, Inc., a Georgia corporation, to install and maintain computer printing and photocopying services for use by the general public in all Scottsdale Public Libraries.

Related Policies, References:

- Section 2-221(a) of the Scottsdale Revised Code allows licensing and leasing of City real-property interests by means of a competitive solicitation process.
- In 2002, Resolution No. 6189 authorized License Agreement No. 2002-119-COS with Card Meter Systems, Inc. (CMS) to provide similar services to the libraries. This agreement expires in December 2005.

Staff Contact(s): Rita Hamilton, Library Director, 480-312-7039, rhilton@scottsdaleaz.gov

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14. **Construction Manager at Risk for Pre-construction Services for Pima Road from Loop 101 Freeway to Pinnacle Peak Road**

Request: Authorize Construction Manager at Risk ([CM@Risk](#)) Contract No. 2005-167-COS with Achen-Gardner Engineering LLC in then amount of \$324,246 for pre-construction services for Pima Road from Loop 101 Freeway to Pinnacle Peak Road.

Related Policies, References:

- Council awarded Engineering Services Contract 2003-114-COS to Entellus, Inc. for design of improvements to Pima Road from the Pima Freeway to Thompson Peak Parkway on June 16, 2003.
- Council awarded a construction contract to Desierto Verde Inc for the salvaging, storing and planting of native plant vegetation on September 6, 2005.

Staff Contact(s): Al Dreska, Municipal Services General Manager, 480-312-5555, adreska@scottsdaleaz.gov

15. **Right-of-Way Acquisition for Widening of Cactus Road**

Request: Adopt Resolution No. 6723 authorizing the acquisition of various rights-of-way interests from properties located along Cactus Road from the Pima Freeway to Frank Lloyd Wright Boulevard.

Related Policies, References: On October 14, 2003, Council authorized Engineering Services Contract #2003-154-COS for the design of roadway and drainage improvements on Cactus Road between the Pima Freeway and Frank Lloyd Wright Boulevard.

Staff Contact(s): Al Dreska, Municipal Services General Manager, 480-312-5555, adreska@scottsdaleaz.gov

16. **Consideration of Appointment of Deborah Robberson as City Attorney**

Request: Consider the appointment of Deborah Robberson as City Attorney.

Staff Contact(s): Teri Traaen, Human Services General Manager, 480-312-2615, ttraaen@scottsdaleaz.gov

17. **Design-Build Agreement for the Design and Construction of Infrastructure Improvements for the ASU/Scottsdale Center for New Technology and Innovation**

Request: Authorize Design-Build Services Agreement No. 2005-182-COS with Higgins Development Partners Design Build Team, in an amount not to exceed \$7,900,000 for the design and construction of infrastructure improvements for the ASU/Scottsdale Center for New Technology and Innovation.

Related Policies, References:

- Council approved Lease Agreement No. 2004-119-COS with the ASU Foundation on July 6, 2004. This established a ground lease for development of the ASU/Scottsdale Center for New Technology and Innovation.
- Council approved a \$9 million Capital Budget transfer to fund initial public infrastructure expenditures related to the property on July 6, 2004.
- Council approved a request to rezone the property to PC (Planned Community) District on June 21, 2005 (Case # 26-ZN-2004).

Staff Contact(s): Ed Gawf, Deputy City Manager, 480-312-4510, egawf@scottsdaleaz.gov; Al Dreska, Municipal Services General Manager, 480-312-5555, adreska@scottsdaleaz.gov

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18. Selective Traffic Enforcement Program Grant (STEP)

Requests:

1. Adopt Resolution No. 6776 authorizing the Police Department to accept the Governor's Office of Highway Safety STEP grant (2005-157A-003) for \$100,000. The grant will allow the Police Department's Traffic Enforcement Unit to purchase speed detection devices and to reimburse program overtime and employee related items. The grant does not require the City to match grant funding.
2. Authorize the transfer of \$100,000 in Future Grants budget to the assigned grant center. The grant was anticipated and included in the adopted Grants Budget for FY 2005/06.

Staff Contact(s): Alan Rodbell, Chief of Police, 480-312-5310, arodbell@scottsdaleaz.gov

Regular Agenda begins on the following page

How the Regular Agenda Works: The Council takes a separate action on each item on the Regular Agenda. If you wish to address the Council regarding any or all of the items on the Regular Agenda, please complete a Comment Card for each topic you wish to address and submit it to the City Clerk. **You will be given at least three minutes to speak per item. Comment cards must be submitted before public testimony has begun on any regular agenda or public hearing item.**

19. [Ordinance Regarding Restriction or Ban of Motorized Skateboards and Similar Vehicles](#)

Request: Adopt Ordinance No. 3653 regarding the restriction or ban of motorized skateboards and similar vehicles.

Related Policies, References: City of Scottsdale Revised Code, Article IV, Section 17-90 to 17-97.

Staff Contact(s): Deborah Robberson, Acting City Attorney, 480-312-2405, dobberson@scottsdaleaz.gov; Alan Rodbell, Chief of Police, 480-312-5310, arodbell@scottsdaleaz.gov; Mary O'Connor, Transportation General Manager, 480-312-2334, moconnor@scottsdaleaz.gov

20. [Acquisition of Control Change for Babe's Cabaret](#)

Request: Consider an Acquisition of Control change for Babe's Cabaret.

Location: 2011 N. Scottsdale Road

Reference: 53-LL-2004#2

Staff Contact(s): Frank Gray, Planning and Development Services General Manager, 480-312-2890, fgray@scottsdaleaz.gov; Connie Padian, Customer Service Chief Officer, 480-312-2664, cpadian@scottsdaleaz.gov

Public Comment

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City Manager's Report

Mayor and Council Items 21 - 22

21. [Consider Requiring Retailers to Monitor Sales of any Over-the-Counter Drugs Containing Ephedrine or Pseudoephedrine](#)

Request: At Councilman Wayne Ecton's request, adopt Ordinance No. 3647 adding Section 19-22 and Section 19-23 to the Scottsdale Revised Code relating to the sale of products containing ephedrine or pseudoephedrine; regulating the manner of sale; providing for the seizure and forfeiture of improperly displayed products; requiring identification of purchasers; and requiring that purchases be reported to the Scottsdale Police Department.

Staff Contact(s): Deborah Robberson, Acting City Attorney, 480-312-2405, dobberson@scottsdaleaz.gov; Alan Rodbell, Chief of Police, 480-312-5310, arodbell@scottsdaleaz.gov

REGULAR AGENDA

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22. **Citizen Petition Requesting Process Investigation and that the City Demand the Arizona American Water Company Bury their Water Tanks**

Request: Consideration and/or direction on a citizen petition, as provided for by City Charter, requesting a full investigation by City Staff and the City Council, from project initiation through permit approvals prior to the Arizona American Water Company's commencement of construction of the planned water tanks. Petitioners also request that the City Council demand that the Arizona American Water Company bury the tanks in question, either at a proposed site or at a different location, to be determined by the City Council. The petition, along with other materials, were presented to the City Council at the October 18, 2005 City Council meeting.

Related Policies, References: City Charter, Article 2, Section 16 states: Any citizen of the City may appear before the Council at any regular meeting and present a written petition; such petition shall be acted upon by the Council, in the regular course of business, within thirty (30) days.

Staff Contact(s): Deborah Robberson, Acting City Attorney, 480-312-2405, dobberson@scottsdaleaz.gov; 480-312-7816; Randy Grant, Chief Planning Officer, 480-312-7995, rgrant@scottsdaleaz.gov

Adjournment